

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

South Shore Savings Bank, Successor By  
Merger to South Weymouth Savings Bank,

Plaintiff

CIVIL ACTION  
NO. 05-11754 RGS

VS.

Joel K. Logan, Individually and as Trustee of  
Crestview Management Trust; Mary Ellen  
Logan, Individually and as Trustee of  
Crestview Management Trust; Massachusetts  
Department of Revenue; J. Glabb, LLC as  
Assignee of King David Trust; Cirelli Foods,  
Inc.; Internal Revenue Service, Jonathan  
Bashein as Assignee of Nixon Peabody, LLP;  
Robert J. Griffin, Esq.; The Commonwealth of  
Massachusetts; The Commonwealth of  
Massachusetts by its Department of Public  
Health; Healthcare Capital Resources, Inc., and  
HCFP Funding, Inc., Successor in Interest to  
Health Partners Funding, L.,

Defendants

**MOTION OF ROBERT J. GRIFFIN, TEMPORARY RECEIVER,  
THOMAS F. REILLY, ATTORNEY GENERAL OF THE  
COMMONWEALTH OF MASSACHUSETTS, AND THE COMMONWEALTH OF  
MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH FOR CONTINUANCE  
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 56(F) IN CONNECTION  
WITH J. GLAB, LLC'S MOTION FOR SUMMARY JUDGMENT**

Defendants, Robert J. Griffin, Temporary Receiver of five Massachusetts nursing home facilities (the "Receiver")<sup>1</sup>, Thomas F. Reilly, Attorney General of the Commonwealth of

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<sup>1</sup> Attorney Griffin was appointed temporary receiver of Logan Healthcare Facility, Inc. d/b/a Logan Nursing and Rehabilitation Center; Elihu White Nursing Home d/b/a Elihu White Nursing

Massachusetts (the "Attorney General"), and the Commonwealth of Massachusetts, by its Department of Public Health ("DPH") (collectively, the "Receiver/State Defendants"), hereby move, pursuant to Federal Rule of Civil Procedure 56(f), for a continuance of the motion of Defendant J. Glab LLC ("Glab") for summary judgment.

This is an interpleader action to determine the disposition of surplus proceeds ("the Surplus Proceeds") resulting from a foreclosure sale conducted by Plaintiff of real property owned by Defendant, Joel K. Logan, as Trustee of Crestview Management Trust. The Receiver/State Defendants claim rights to recover the Surplus Proceeds to satisfy, among other things, a lien for costs and expenses incurred in connection with the Receivership. Glab has filed a motion for summary judgment seeking a declaration that it is entitled to a first priority to all of the Surplus Proceeds.

The Receiver/State Defendants oppose Glab's motion at the present time because it is premature. Not all parties have yet filed an answer to the Complaint and Defendants have not yet had an opportunity to conduct discovery as to Glab's claimed interest in the Surplus Proceeds and regarding defenses to Glab's claimed priority. Because Glab's motion is premature, it should be denied without prejudice or, in the alternative, continued for sufficient time to permit the Receiver/State Defendants to conduct discovery as to Glab's claim and defenses to this claim to a priority in the Surplus Proceeds.

In further support hereof, the Receiver/State Defendants submit the Memorandum of Law of Robert J. Griffin, Temporary Receiver, Thomas F. Reilly, Attorney General of the

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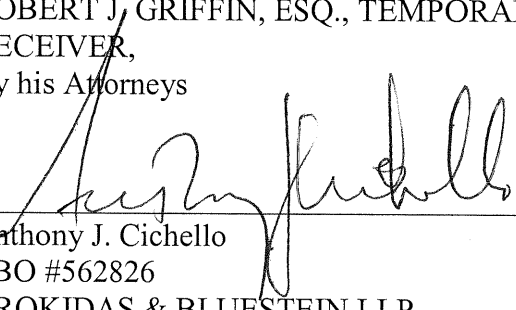
and Rehabilitation Center; Pond Meadow Healthcare Facility, Inc., d/b/a Pond Meadow Healthcare Facility; Atrium Healthcare Facility, LLC, d/b/a Atrium Nursing Center; and Crestview Healthcare Facility, Inc. in a civil action (the "Receivership Action") entitled Thomas F. Reilly, Attorney General of the Commonwealth of Massachusetts, et al, vs. Logan Healthcare Facility, et al, Suffolk Superior Court Civil Action No. 03-2696A.

Commonwealth of Massachusetts, and the Commonwealth of Massachusetts Department of Public Health in Opposition to Motion of J. Glab LLC for Summary Judgment and in Support of Motion for Continuance Pursuant to Federal Rule of Civil Procedure 56(f); and Affidavit of Robert J. Griffin.

WHEREFORE, the Receiver/State Defendants respectfully request that this Court continue Glab's Motion for Summary Judgment for a period of time sufficient to conduct discovery as to the claims and defenses in this action and enter such other and further relief as is just.

Respectfully submitted,

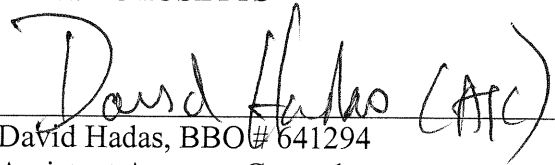
ROBERT J. GRIFFIN, ESQ., TEMPORARY  
RECEIVER,  
By his Attorneys



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Anthony J. Cichello  
BBO #562826  
KROKIDAS & BLUESTEIN LLP  
600 Atlantic Ave  
Boston, MA 02210  
(617) 482-7211

THOMAS F. REILLY, ATTORNEY  
GENERAL OF THE COMMONWEALTH OF  
MASSACHUSETTS



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David Hadas, BBO #641294  
Assistant Attorney General  
Government Bureau  
One Ashburton Place, Room 2019  
Boston, MA 02108  
(617) 727-2200, ext. 2085

Dated: September \_\_\_\_, 2005  
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